

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

**RULE REPEAL AND PROMULGATION:** DMR Regulation 95.05 A, Closed Area No. 26-B, Friendship Harbor, promulgated on October 22, 1997 is repealed and replaced with the following rule:

**TEXT OF RULE:** DMR Regulation 95.05 A, Closed Area No. 26-B, Friendship Harbor

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Friendship Harbor, Hatchet Cove and Martin Point inside (northerly) of a line beginning at the center of the marine railway on the southwestern side of Martin Point and running southerly to the northern end of Gull Rock; then northeasterly to the day beacon off the southern end of Jameson Point; thence northeasterly to the southeastern side of Jesse's Point.

a. EXCEPTION: Clams, mussels, oysters and quahogs may be taken from that portion of Hatchet Cove which lies north of a line beginning at the northeastern tip of the most prominent unnamed point on the western shore of Hatchet Cove; then running southerly to the western shore of Little Sand Is; then southeasterly to the western shore of Sand Island and continuing around the southern end of Sand Island; then running northeast to the small unnamed point of land located about 400 yards north of the southern tip of Jameson Point.

Violation of any provision of this regulations shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: February 22, 1999


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COURIER GAZETTE  
February 25, 1999

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.05 A, Closed Area No. 26-B, Friendship Harbor promulgated on October 22, 1997, and replaces it with a new rule. This new regulation decreases the size of the closed area by opening a small section of water and shore around Sand and Little Sand Island in Hatchet Cove.

Department personnel have determined that the newly opened area in Hatchet Cove is not subject to intermittent microbiological pollution, therefore, clams, quahogs, oysters and mussels may be taken from this area without posing a threat to the public health. The remaining closed portions are subject to pollution and must remain closed to the harvest of shellfish.

  
E. PENN ESTABROOK, DEPUTY COMMISSIONER



# Department of Marine Resources

## Legal Notice of Shellfish Closure Area 26B

